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To: Harold J. Tudor

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From: Ancel W. Lewis, JR.

Subject: 10/072,233 Informal

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**REMARKS**

This is to request a telephone interview on the above application.  
The attached memo is for discussion during the interview. Please  
call. 1 970 482 2841 Thank You.

*Unofficial*  
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**MEMO SERIAL NO.: 10/072.233**

The following are notes for use in an interview with the Examiner.

A. Attached is a Table of Comparison for claim 1.

1. The rejections under 35 U.S.C. 112, for "low shear modulus" as a relative term are arguably incorrect. "Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." MPEP 2173.05(b). See page 5, lines 19-27 of the spec. Claim 3 specifies a shear modulus less than 3.5 Mpsi, and is not indefinite.
2. Claims 1, 2 and 5 were rejected under 35 U.S.C. 102(b) as anticipated by Hallis, 5,679,920. Hallis does not disclose a "a core . . . swaged into a uniform solid cylinder . . . , with each said strand extending rotationally and obliquely in a continuous fashion around said cylinder . . . ". Fig. 7A of Hallis shows a hollow spiral of wires prior to swaging, but Fig. 7B shows the resulting core after swaging. See col. 5, lines 37-42 of Hallis.
3. Hallis does not disclose "strands of a malleable material having a low shear modulus". Hallis discloses using strand of material with a high shear modulus, zinc, iron, steel or copper. See page 2, line 25 to page 3, line 3 of the spec for differences between Claim 1 and

Hallis.

4. Claim 6 was rejected 103(a) as unpatentable over Hallis. Hallis does not teach all of the limitations of Claim 1, as explained above. Since Hallis does not teach a core with a continuous pitch, the pitch definitions of Claim 6 are more than design choice. Also, the pitch definitions show results unexpected from Hallis.
5. Claims 1-7 were under rejected 103(a) as unpatentable over Weiss, British Patent 11,087, in view of Briese, and under 103(a) as unpatentable over Briese in view of Weiss or Hallis. These combinations do not consider the unexpected results of the invention of smaller, more uniform fragments, a more uniform fragmentation pattern, lower penetration depth and more predictable penetration depth.
6. Weiss does not teach or suggest the a jacket with a "of substantially uniform wall thickness" or "having an enclosed base" or a core "swaged into a uniform solid cylinder having a selected precise mass". Weiss teaches a grooved jacket with no base. Weiss does not teach a swaged core and swaging the core in the jacket as suggested by Weiss would burst the jacket. Weiss does not teach a uniform solid cylinder. Weiss does not teach a selected precise mass and does not suggest a method that could provide a selected precise mass.
7. Nothing in the spec or references supports the Examiner's rationale for combining Briese with Weiss, the rationale being that having an enclosed base will enhance separation.
8. Briese does not teach "a core having a plurality strands . . . , said strands being helically formed together in a spiral configuration" or "swaged into a uniform solid cylinder . . . , with each said strand extending rotationally and obliquely in a continuous fashion around said cylinder".
9. Briese teaches that the core must have "a uniform, consistent bend interlocking pattern", (Claim 1). Similarly, Hallis teaches that the wires "inter-engage" and shows a core with kinked wires similar to the pattern

of Briese. Briese teaches away from a core "with each said strand extending rotationally and obliquely in a continuous fashion around said cylinder". Briese teaches away from the Examiner's combination with Weiss while the Examiner's combination with Hallis does not teach all of the definitions of Claim 1.

10. None of the references teach twisted strands "to control the fragmentation" as repeatedly used in paragraph 10 of the Office Action. There is a suggestion in the office action that the references teach something about the unexpected results of the present invention. Only Weiss teaches a core of twisted strands and Weiss teaches only that the projectile will "burst". Nothing in the references provides a reasonable expectation that the claimed bullet will fragment, or any of the above listed unexpected results.
11. Applicant uses hydraulic pressure instead of punch press (Briese) to swage to cause lead to cold flow to fill all voids ( solid cylinder ).
12. Applicant seats core in jacket under pressure so that base and walls of core become integral with sides and base of jacket to form an integral single unit (no voids).
13. Applicant has shear fracture continuously along strands while Briese and Hallis with kinks shear at kinks only.

TABLE OF COMPARISON

Applicant Claim 1	Briese		Weiss		Hallis
jacket, of substantially uniform wall thickness			No		
jacket - - - enclosed base			No		
core - - - having a plurality strands of a malleable material having a low shear modulus					No
core - - - swaged into a uniform solid cylinder having a selected precise mass			No		No
core - - - helically formed together in a spiral configuration	No				No
strand - - extending rotationally and obliquely in a continuous fashion around said cylinder	No				No